



**Before The
State Of Wisconsin
DIVISION OF HEARINGS AND APPEALS**

In the Matter of a Denial of a Registration
Application for a 1985 Chevrolet D10 Military
Blazer by the Department of Transportation to
John and Katherine Kasberger

Case No.: TR-11-0016

ORDER GRANTING PETITION FOR REHEARING

A final decision in the above-captioned matter was issued on November 1, 2011. On November 16, 2011, John and Katherine Kasberger filed a Petition for Rehearing pursuant to Wis. Stat. § 227.49. The grounds for a rehearing are set forth at Wis. Stat. § 227.49(3) which provides:

Rehearing will be granted only on the basis of:

- (a) Some material error of law.
- (b) Some material error of fact.
- (c) The discovery of new evidence sufficiently strong to reverse or modify the order, and which could not have been previously discovered by due diligence.

The Petition for Rehearing alleges that the decision issued in this matter contains a material error of fact and that the petitioners have discovered new evidence sufficiently strong to reverse or modify the order. The new evidence discovered by the petitioners does appear to have a reasonable likelihood to cause the final decision in this matter to be modified. The petitioners have also set forth a reasonable explanation as to why this evidence was not available at the time of the hearing. Accordingly, the petition for a rehearing will be GRANTED.

The nature of the new evidence, information on a Department of Defense website, does not appear to require another evidentiary hearing. The petitioners will be allowed to submit the new evidence by affidavit and make any additional argument based on that evidence in writing. The Department of Transportation will be given an opportunity to respond. A revised decision will then be issued. The revised decision will also address the petitioners' allegation that the final decision in this matter contained a material error of fact. The petitioners should submit

their new evidence and any additional written argument they wish to file by December 23, 2011. The Department of Transportation's response should be filed by January 13, 2012.

Dated at Madison, Wisconsin on December 2, 2011.

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By: _____
David H. Schwarz, Administrator

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